


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

University of Southern California)	Opposition No.: 125,615
)	
Opposer,)	Serial No.: 75/358,031
)	
vs.)	Mark: "SC" (Stylized)
)	
University of South Carolina,)	
)	
Applicant.)	
)	


10-16-2003
U.S. Patent & TMOtc/TM Mail Rpt Dt. #22


APPLICANT'S MOTION TO COMPEL

The applicant, University of South Carolina ("South Carolina"), hereby moves this Court for an Order compelling the opposer, University of Southern California, ("Southern California"), to provide full and complete responses to South Carolina's First Set of Interrogatories and Request for Production pursuant to Rules 33, 34, and 37 of the Federal Rules of Civil Procedure. Counsel for South Carolina has not received any responses from counsel to its affirmative discovery from Southern California as of the date of this filing.

On July 29, 2002 South Carolina served via mail its First Set of Interrogatories and Requests for Production on Southern California. (See First Set of Interrogatories and Request for Production, attached hereto as Exhibit A). In an effort to aid the potential settlement of this matter, counsel for South Carolina agreed to a temporary stay of discovery which expires on October 15, 2003. In light of the pending expiration of the stay of discovery, this Motion to Compel is now necessary for South Carolina to preserve its rights to receive responses to its discovery from Southern California in a timely fashion.

WHEREFORE, South Carolina respectfully requests that the Trademark Trial and Appeal Board issue an Order compelling Southern California to respond fully and completely to South Carolina's First Set of Interrogatories and Request for Production.

NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

By: 

John C. McElwaine
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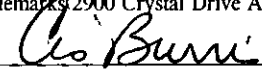
Attorneys for the University of South Carolina

Charleston, South Carolina

10/14, 2003

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Assistant Commissioner for Trademark 32900 Crystal Drive Arlington, Virginia 22202-3513.


Cis Burris

Date: 10/14/2003

CERTIFICATE OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough, L.L.P., attorneys for Applicant, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

APPLICANT'S MOTION TO COMPEL

Counsel Served:

Scott A. Edelman
Michael S. Adler
Gibson, Dunn, & Crutcher, LLP
2029 Century Park East, Suite 4000
Los Angeles, CA 90067-3026



Administrative Assistant

October 14, 2003

14-2

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July 29, 2002

Scott A. Edelman
Michael S. Adler
Gibson, Dunn, & Crutcher, LLP
2029 Century Park East, Suite 4000
Los Angeles, CA 90067-3026

RE: SC Trademark Matters
Our File No.: 13524/09000

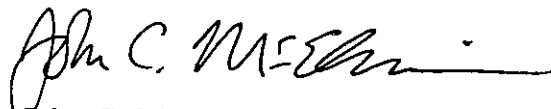
Dear Mr. Edelman:

01501

Enclosed and served upon you, please find Applicant's First Set of Interrogatories to Opposer and Applicant's First Set of Requests for Production of Documents.

If you have any questions, please feel free to call me.

Very truly yours,


John C. McElwaine

JCM/mmk
Enclosure

cc: Walter H. Parham, Esquire (w/enclosure)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

University of Southern California)	Opposition No.: 125,615
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University of South Carolina,)	
)	
Applicant.)	
)	

APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER

Pursuant to Rule 26 and 33 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, the University of South Carolina ("Applicant"), through undersigned counsel, hereby propounds its First Set of Interrogatories to the University of Southern California ("Opposer"). Opposer shall provide its written reply to these interrogatories within 30 days of the date of service hereof.

INSTRUCTIONS

1. All information is to be divulged that is in the possession, custody, or control of Opposer, its attorneys, investigators, agents, employees, or other representatives of Opposer and its attorneys.

2. In the event you cannot answer any discovery request in full, after exercising due diligence to secure the information, say so and answer to the fullest extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portion.

3. In the event an answer or portion thereof is based upon information and belief, rather than actual knowledge, the answer should so state and the source or sources upon which such information and belief is based should be specifically described and identified.

4. In the event you cannot answer any discovery request, in full or in part, and in the event that at some previous time you could have answered such response, in full or in part, by consulting documents which you no longer have in your possession, custody, or control, or to which you no longer have access, then state the following in answer to each discovery request:

- (a) Identify (as defined herein) each such document;
- (b) State the time period during which each such document was in your possession, custody, or control, or during which you had access to it;
- (c) Set forth in detail the circumstances whereby you lost, relinquished, or otherwise ceased to have possession, custody, or control of or access to each document;
- (d) Identify all persons having knowledge of the circumstances whereby you lost, relinquished, or otherwise ceased to have possession, custody, or control of or access to each document; and
- (e) Identify all persons who have or have had knowledge of the existence of each such document or the contents, in full or in part, thereof.

5. In the event you cannot answer any discovery request, in full or in part, and in the event you know any other person who has or has had possession, custody, or control of or access to the information or document(s) necessary to answer said request, in full or in part, state the following in answer to each such request:

- (a) Identify each such person; and

- (b) Set forth in detail, to the best of your knowledge, information, and belief, the circumstances whereby each such person obtained or gained possession, custody, or control of or access to all such information or documents.

6. When an Interrogatory asks for a description or identification of a document, the answer should be given in sufficient detail to enable a party or person to whom a subpoena or a request to produce documents is directed to identify fully the documents sought to be produced and to enable counsel for the Applicant to determine that such documents, when produced are in fact the documents so described.

7. In the event that any information requested is withheld on the basis of a claim of privilege, state the ground(s) of the privilege claimed, and, if any document is claimed to be privileged, furnish a list identifying each such document together with the following information: identify the document with sufficient particularity to allow the matter to be brought before the Court, including a description of the document's type (e.g. letter, memorandum, report), subject matter, number of pages, date, its author(s), sender(s), and recipient(s), the name(s) and job title(s) of person(s) to whom copies were furnished, the person(s) who is its custodian and that person's address, and explain the specific nature of and basis for each claim of privilege.

8. In the event that any document requested to be identified has been destroyed or otherwise disposed of since its preparation or receipt, set forth the author, addressee, date, number of pages, attachments or appendices, all persons to whom distributed, shown or explained, present custodian, and a general description of the document.

DEFINITIONS

1. Any pronoun shall be deemed to designate the masculine, feminine or neuter gender, and singular or plural, as in each case may be appropriate.

2. The terms “**and**” and “**or**” and any other conjunctions or disjunctions used herein shall be read both conjunctively and disjunctively so as to require the enumeration of all information responsive to all or any part of each interrogatory in which any conjunction or disjunction appears.

3. The terms “**any**”, “**each**” and “**all**” shall be read to be all inclusive, and to require the enumeration of each and every item of information or document responsive to the interrogatory in which such term appears.

4. The term “**date**” shall mean the exact day, month and year, if ascertainable, or if not, the best approximation, including the temporal relationship to other events.

5. The term “**document**” when used herein means all original writings of any nature whatsoever, and all non-identical copies thereof, in the possession, custody or control of Applicant or Applicant’s counsel, regardless of where located, and all other documents of which the Applicant has knowledge, and includes, but is not limited to, correspondence, diagrams, or other written communications, data processing storage units, tapes, contracts, agreements, notes, schedules, summaries, compilations, analyses, memoranda, work papers, studies, surveys, internal and external reports, diaries, calendars, films, photographs, minutes of meetings, invoices, receipts, bills, orders, confirmations, bills of lading, delivery receipts, telexes, electronic mail messages (e-mail), and other documents as

defined in Rule 34 of the Federal Rules of Civil Procedure. In all cases where original or non-identical copies are unavailable, “documents” also means copies thereof.

6. “Opposer’s Marks” shall mean those marks as depicted, referred to or alleged in the Notice of Opposition and any actual uses by Opposer of the mark “SC” or similar versions thereof.

7. “Opposer’s goods” or “Opposer’s services” refer to those goods and services set forth in the Notice of Opposition, those goods set forth in U.S. Registration No. 1,844,953, and any other goods and services of Opposer in connection with which the Opposer’s Marks are used.

8. The term “person” means any public or private corporation, company, association, society, firm partnership, joint stock company, natural person, the United States, any State, political subdivision or agency.

9. The term “pertaining to”, “relating to”, or “referring to” as used herein means evidencing, memorializing, referring, constituting, containing, discussing, describing, embodying, reflecting, identifying, mentioning, stating, or otherwise alluding to or relating to in any way, in whole or in part, the subject matter referred to in the request.

10. The term “you” or “your” when used herein refers to the Opposer or any employees, agents or person, including attorneys, accountants, or business associates, acting on the Opposer’s behalf or at the Opposer’s direction and control.

INTERROGATORIES

1. Identify each person known to the Opposer or the Opposer’s counsel to be a witness concerning the facts of this case and state whether any statements have been taken

of such witnesses. In addition, identify which of these individuals the Opposer intends to use as a witness in the trial of this case.

2. For each person known to the Opposer or the Opposer's counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the Applicant of the important facts known to, or observed by, such witnesses, or provide a copy of any written or recorded statements taken from such witnesses.

3. Identify any expert witnesses whom the Opposer proposes to use at the trial of this case and, as to each, set forth a synopsis of the opinion the expert is expected to offer in this case and the basis for such opinion.

4. Identify and describe in detail each of (a) the goods sold by the Opposer in connection with the Opposer's Mark and (b) the services offered by the Opposer in connection with the Opposer's Mark. As to each good or service identify and describe the trademark or service mark the Opposer uses or claims in connection with such goods or services.

5. For each type of good(s) or service(s) identified in your answers to interrogatory number 4, please identify the date of first use of the Opposer's Mark in connection with such goods or services (a) in interstate commerce within the United States, (b) anywhere in the United States, and (c) outside the United States.

6. For each type of good(s) or service(s) identified in your answers to interrogatory number 4, please identify and describe in detail (a) the type or class of customers to whom the product or service is sold, (b) the price of each product or service, and (c) the channels of trade through which each product and service is sold and distributed.

7. For each good or service identified in your answers to interrogatory number 4, identify the persons who are most familiar with Opposer's: (a) marketing and sales of such products and services; (b) the circumstances and facts surrounding the creation or adoption of the service marks of trademarks used in connection with each particular product or service; (c) advertising and promotion of such products and services; (d) the trade channels through which such products and services using Opposer's Marks are and have been sold; and (e) the licensing to make, or the manufacturing of, the goods bearing Opposer's Mark.

8. Identify each document or advertisement, including each different label, tag, wrapper, container, advertisement, promotional brochure, and the like, which contains or bears the Opposer's Marks in any manner or form, and which has been used in connection with the packaging, sale, offering for sale, advertising or distribution of Opposer's goods or services.

9. Identify and describe in detail all types of media, including publications, billboards, signs, advertisements, internet, radio and television, where Opposer has advertised or offered for sale, or intends to advertise or offer for sale, in the United States or elsewhere the Opposer's goods or services under the Opposer's Marks. For each form or media of advertisement, state: (a) the form or media of advertisement referred to; (b) the inclusive dates of advertisement; (c) the amount spent on advertising each year; (d) the name and address of each person who has custody of a copy of each advertisement in which the mark appeared; and (e) a description of the services or goods advertised.

10. Identify and describe any agreements between Opposer and third parties that relate in anyway to the use of the Opposer's Marks or any similar versions thereof.

11. State separately the amount of sales of (a) Opposer's services and (b) Opposer's goods, in dollar amounts, for each calendar year from 1978 to the present.

12. Identify any instances of confusion or false association between Opposer's use of Opposer's Marks and Applicant or the Applicant's Mark, which has been opposed. For illustrative purposes only and without limiting the foregoing, such instances would include misdirected mail, telephone calls, inquiries, orders, complaints, cancellations or returns of goods.

13. Identify each and every prior claim, complaint, charge, or pleading relating to Opposer's Marks ever filed by or against the Opposer with a court of law, or any other government body or entity, including the place where such claim, complaint or charge was made, the date it was made, the nature of the allegations raised, the names of the parties and the outcome.

14. State whether Opposer has ever conducted or caused to be conducted any search or investigation, or other inquiry of any kind, relating to whether or not Applicant's Mark, or any colorable imitation thereof, was being used or registered by others in the United States. If so, identify each and every document and thing relating to such search, investigation or inquiry.

15. State whether Opposer conducted a trademark search or searches prior to or subsequent to its adoption regarding and of the Opposer's Marks and set forth the date and scope of such searches.

16. Identify the person or persons conducting the searches identified above and any documents prepared or provided to Opposer regarding such searches.

17. Provide the date and describe the circumstances when Opposer first became aware of Applicant or Applicant's Mark.

18. Identify by date any periods of non-use of the Opposer's Mark.

19. Identify any exhibits that Opposer intends to introduce into evidence in the trial of this matter.

NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

By: _____
John C. McElwaine
Federal Bar No. 6710
Matthew D. Patterson
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Liberty Building, Suite 500
151 Meeting Street
Post Office Box 1806 (29402)
Charleston, SC 29401
(843) 853-5200

Attorneys for University of South Carolina

Charleston, South Carolina

_____, 2002

CERTIFICATE OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough, L.L.P., attorneys for Applicant, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

**APPLICANT'S FIRST SET OF INTERROGATORIES TO
OPPOSER**

Counsel Served:

Scott A. Edelman
Michael S. Adler
Gibson, Dunn, & Crutcher, LLP
2029 Century Park East, Suite 4000
Los Angeles, CA 90067-3026

Christiane Bailly
Administrative Assistant

_____, 2002

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Opposer,)	Serial No.: 75/358,031
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vs.)	Mark: "SC" (Stylized)
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University of South Carolina,)	
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Applicant.)	
)	

**APPLICANT'S FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS TO OPPOSER**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, the University of South Carolina ("Applicant"), through undersigned counsel, hereby propounds its First Set of Requests for Production of Documents to the University of Southern California ("Opposer"). This production shall be made within thirty (30) days after the service of this request at the offices of counsel for Applicant, Nelson, Mullins, Riley & Scarborough, L.L.P, 151 Meeting Street, Charleston, Suite 600, South Carolina 29401. This discovery request shall be deemed continuing so as to require supplemental responses if Opposer obtains further information after the responses are made.

INSTRUCTIONS

1. If any documents are withheld due to an objection or privilege, please produce a privilege log. The privilege log should state for each document claimed to be privileged: (1) the nature and a description of the information withheld sufficient to make a

determination on the privilege claim, (2) the author of the document, (3) the recipients of the document, (4) the date of the document, and (5) the legal grounds constituting the nature and basis for any such claim of privilege or other ground for non-disclosure. Please provide redacted documents producing any part of a document to which you do not claim a privilege.

2. If any document requested herein was at one time in existence but has been lost, discarded or destroyed, please identify that document as completely as possible, providing as much of the following information as possible: (1) the type of document; (2) the document's date; (3) the date or approximate date the document was lost, discarded or destroyed; (4) the circumstances and manner in which the document was lost, discarded or destroyed; (5) the reasons for disposing of the document (if discarded or destroyed); (6) the identities of all persons authorizing or having knowledge of the circumstances surrounding the disposal, destruction or loss of the document; (7) the identities of all persons that lost, discarded or destroyed the document; and (8) the identities of all persons having knowledge of the contents thereof.

DEFINITIONS

1. Any pronoun shall be deemed to designate the masculine, feminine or neuter gender, and singular or plural, as in each case may be appropriate.

2. The terms "**and**" and "**or**" and any other conjunctions or disjunctions used herein shall be read both conjunctively and disjunctively so as to require the enumeration of all information responsive to all or any part of each interrogatory in which any conjunction or disjunction appears.

3. The terms “**any**”, “**each**” and “**all**” shall be read to be all inclusive, and to require the enumeration of each and every item of information or document responsive to the interrogatory in which such term appears.

4. The term “**date**” shall mean the exact day, month and year, if ascertainable, or if not, the best approximation, including the temporal relationship to other events.

5. The term “**document**” when used herein means all original writings of any nature whatsoever, and all non-identical copies thereof, in the possession, custody or control of Applicant or Applicant’s counsel, regardless of where located, and all other documents of which the Applicant has knowledge, and includes, but is not limited to, correspondence, diagrams, or other written communications, data processing storage units, tapes, contracts, agreements, notes, schedules, summaries, compilations, analyses, memoranda, work papers, studies, surveys, internal and external reports, diaries, calendars, films, photographs, minutes of meetings, invoices, receipts, bills, orders, confirmations, bills of lading, delivery receipts, telexes, electronic mail messages (e-mail), and other documents as defined in Rule 34 of the Federal Rules of Civil Procedure. In all cases where original or non-identical copies are unavailable, “**documents**” also means copies thereof.

6. “**Opposer’s Marks**” shall mean those marks as depicted, referred to or alleged in the Notice of Opposition and any actual uses by Opposer of the mark “SC” or similar versions thereof.

7. “**Opposer’s goods**” or “**Opposer’s services**” refer to those goods and services set forth in the Notice of Opposition, those goods set forth in U.S. Registration No.

1,844,953, and any other goods and services of Opposer in connection with which the Opposer's Marks are used.

8. The term “**person**” means any public or private corporation, company, association, society, firm partnership, joint stock company, natural person, the United States, any State, political subdivision or agency.

9. The term “**pertaining to**”, “**relating to**”, or “**referring to**” as used herein means evidencing, memorializing, referring, constituting, containing, discussing, describing, embodying, reflecting, identifying, mentioning, stating, or otherwise alluding to or relating to in any way, in whole or in part, the subject matter referred to in the request.

10. The term “**you**” or “**your**” when used herein refers to the Opposer or any employees, agents or person, including attorneys, accountants, or business associates, acting on the Opposer’s behalf or at the Opposer’s direction and control.

REQUESTS FOR PRODUCTION

1. Any and all statements taken from any person with regard to the subject matter of this litigation, whether signed or unsigned, recorded or transcribed, or in any other tangible form.

2. Any and all documents identified in your answers to Applicant’s Interrogatories to Opposer.

3. Any and all documents relating to the Opposer’s claims or the Applicant’s defenses in this case.

4. Any and all documents referring or relating to Opposer’s adoption and use of Opposer’s Marks.

5. Any and all documents evidencing, referring or relating to Opposer's actual or projected annual gross sales from 1987 to 2002, in terms of units and dollars, for each product or service sold using Opposer's Marks.

6. Any and all documents concerning, evidencing, or reflecting the earliest date of first use of each of Opposer's Marks in connection with any goods or services of Opposer.

7. Any and all documents evidencing first use of the Opposer's Marks in commerce in connection with clothing at least as early as 1926 as alleged in paragraph 2 of the Notice of Opposition.

8. Any and all documents evidencing first use of the Opposer's Marks in commerce in connection with clothing at least as early as 1987 as alleged in paragraph 2 of the Notice of Opposition.

9. Any and all documents evidencing first use of the Opposer's Marks in commerce in connection with sporting events and educational services in the late 1800s as alleged in paragraph 2 of the Notice of Opposition.

10. Any and all documents and/or samples evidencing each use of the Opposer's Marks in connection with each of the Opposer's different goods or services.

11. Any and all documents setting forth each specific good or service offered or intended to be offered by Opposer in connection with Opposer's Marks, and the actual or intended price for each such good or service, including, but not limited to, price lists, rate sheets or catalogs.

12. Any and all documents relating to any survey, poll or similar investigation conducted by or on behalf of Opposer relating to actual or intended recognition of Opposer's Marks by the public or the trade.

13. Any and all documents relating to any unsolicited publicity or recognition obtained or received by Opposer for any good or service identified by Opposer's Marks.

14. Each different media advertisement, including but not limited to, internet, television, radio, billboard, catalog, direct mail literature, brochure, advertisement or piece of promotional material, used or intended to be used by Opposer in advertising Opposer's services or goods under Opposer's Marks.

15. Any and all documents which evidence, refer to or otherwise relate to Opposer's actual or intended annual monetary expenditures from 1987 to 2002 for advertising, promoting, and/or offering for sale each of Opposer's services or goods under Opposer's Marks.

16. All correspondence between any advertising agencies and Opposer relating or referring to the actual or intended promotion of Opposer's services or goods under Opposer's Marks.

17. Any and all documents pertaining to any actual or intended license, assignment or right granted by Opposer to a third party regarding the use of Opposer's Marks, or any similar mark, including correspondence relating to the same.

18. Any and all documents referring or relating to actual or planned advertising or promotion of Opposer's goods or services under Opposer's Marks.

19. Any and all documents referring or relating to the channels of trade used by Opposer to sell or distribute goods or services under Opposer's Marks.

20. Any and all documents referring or relating to the limitations on channels of trade used by Opposer to sell or distribute goods or services under Opposer's Marks.

21. Any and all documents evidencing, referring or relating to the type or class of purchaser of the Opposer's goods or services under Opposer's Marks.

22. Any and all documents evidencing surveys, studies, test groups, or strategies concerning the marketing of Opposer's goods and services in connection with Opposer's Marks.

23. If Opposer has commenced use of Opposer's Marks in the United States and such use has been continuous since the date of first use, documents by which such continuous use can be established, e.g., one invoice per month for goods or services sold under the Opposer's Marks and/or one bill of lading per month for goods or services shipped under the marks from the date of first use of the marks through the date of receipt of this request. Without limiting the foregoing, and solely for illustrative purposes, such documents would include invoices referring to Opposer's goods or services sold under Opposer's Marks, purchase orders referencing Opposer's Marks, invoices for Opposer's goods or services sold or offered under Opposer's Marks, and advertisements for goods or services sold under Opposer's Marks.

24. Any and all documents that refer or relate to all periods of non-use of Opposer's Marks in connection with Opposer's services or goods, including, but not limited to, documents setting forth in detail the reasons for non-use and the reasons for resumption of use,

if any. If Opposer has intentionally ceased use of Opposer's Marks altogether, all documents that refer or relate to such cessation of use.

25. Any and all documents evidencing, referring or relating to any instances of confusion or false association between Opposer's use of Opposer's Marks and Applicant or Applicant's Mark, "SC" (Stylized).

26. Any and all documents evidencing, referring or relating to each and every prior claim, complaint, charge, or pleading relating to Opposer's Marks ever filed by or against the Opposer with a court of law, or any other government body or entity.

27. Any and all documents, agreements or correspondence regarding the threatened opposition of the Opposer's trademark application Serial No. 74/094,681 by Spelman College.

28. Any and all correspondence between Opposer and Spelman College or any of its employees, agents or attorneys.

29. Any and all documents evidencing, referring or relating to the date when Opposer first became aware of Applicant or Applicant's Mark.

30. Any and all documents evidencing, referring or relating to the circumstances surrounding Opposer becoming aware of any third party's use of any mark comprising of the letters "SC" or any similar term.

31. All documents evidencing, referring or relating to any and all actual or intended state and federal trademark or trade name applications filed by Opposer for Opposer's Marks, including documents which show the filing date(s) and serial number(s) of such application(s), the dates of publication, the date(s) of registration, the registration number(s), if

any, and the current status of said application(s). "State" shall mean and include all 50 states of the United States and all territories and possessions of the United States.

32. All documents comprising, referring or relating to market research or competitive research done by Opposer and referring or relating to Opposer's Marks.

33. All documents comprising, referring or relating to any surveys, studies, investigations or analyses of whether Opposer's Marks are likely to be confused with any other trademark, service mark or trade name.

34. All documents comprising, referring or relating to studies of the degree of public recognition of the Opposer's Marks.

35. All trademark searches in the United States conducted by or on behalf of Opposer with regard to Opposer's Marks, including any documents relating to said searches that refer to the date each search was ordered, each database searched, each reference noted on each search and the person who conducted the search.

36. All documents comprising, referring or relating to any opinion concerning the registrability of Opposer's Marks.

37. All documents comprising, referring or relating to any opinion concerning any likelihood of confusion between Opposer's Marks and any other trademark, service mark or trade name.

38. All documents identified in, or referred to or relied on in preparing, any response to any interrogatories propounded by Opposer.

39. All documents which in any way support or relate to Opposer's answers to any interrogatories propounded by Opposer.

40. Any and all documents relating to any survey, poll or similar investigation conducted by or on behalf of Opposer relating to any actual or potential confusion, mistake or deception of Opposer's Marks with any other mark.

41. A copy of the curriculum vitae or resume for each individual whom you intend to call as an expert witness in this Opposition.

42. All documents prepared by an expert or which reflect or contain the observations, mental impressions, opinions and/or conclusions of any expert who you intend to call as a witness in this Opposition.

43. Any and all documents prepared by an expert whose work product was reviewed by any expert who you intend to call as a witness in this Opposition.

44. All documents and things sent to you or received by you from any expert who you intend to call as a witness in this Opposition.

NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

By: _____
John C. McElwaine
Federal Bar No. 6710
Matthew D. Patterson
Federal Bar No. 7788
Liberty Building, Suite 500
151 Meeting Street
Post Office Box 1806 (29402)
Charleston, SC 29401
(843) 853-5200

Attorneys for University of South Carolina

Charleston, South Carolina

_____, 2002

CERTIFICATE OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough, L.L.P., attorneys for Applicant, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

**APPLICANT'S FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS TO OPPOSER**

Counsel Served:

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Christiane Baily
Administrative Assistant

_____, 2002

TTAB

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October 14, 2003



BOX TTAB

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Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

10-16-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

RE: University of Southern California v. University of South Carolina
Our File No.: 13524/01501

Dear Assistant Commissioner:

Please find enclosed the **Applicant's Motion to Compel** in the above-referenced matter. By copy of this letter we are serving the opposing counsel.

Thank you for your assistance in this matter.

Very truly yours,

Matthew D. Patterson

Enclosures

cc: William H. Parham
Scott A. Edelman
Michael S. Adler